

Certificate of Mailing/Transmission (37 C.F.R. § 1.8(a)):

[X] Pursuant to 37 C.F.R. § 1.8, I hereby certify that this paper and all enclosures are being deposited with the United States Postal Service as first class mail on the date indicated below in an envelope addressed to the Commissioner for Patents, Washington D.C. 20231.

[] Pursuant to 37 C.F.R. § 1.6(d), I hereby certify that this paper and all enclosures are being sent via facsimile on the date indicated below to the attention of Examiner _____ at Facsimile No. _____ at _____ a.m./p.m.

Dated: November 7, 2001

Name of Person Certifying: Peggy Nichols
Printed Name: Peggy Nichols

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: NewBiotics, Inc.
Filing Date: May 1, 2001
Serial No.: 09/847,525
Title: IMPROVED BETA-LACTAM ANTIBIOTICS

Assignee: Ming Fai CHAN, et al.
Examiner: Unassigned
Group Art Unit: 1645

Commissioner for Patents
Washington, D.C. 20231

PETITION AND FEE FOR EXTENSION OF TIME
(37 C.F.R. § 1.136(a))

Sir:

Pursuant to 37 C.F.R. § 1.136(a), Applicant hereby petitions for a 1 month extension of time to respond to the Office Action mailed on August 17, 2001.

1. This communication is in connection with the matter for which this extension is requested
 - a. is filed herewith; or
 - b. has been filed on _____.
2. Applicant(s) claim Small Entity Status under 37 CFR § 1.27.

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3. The following fees are submitted:

	TOTAL MONTHS REQUESTED	OTHER THAN SMALL ENTITY	SMALL ENTITY	CALCULATIONS
a. <input checked="" type="checkbox"/>	one month	\$110.00	\$55.00	\$55.00
b. <input type="checkbox"/>	two month	\$390.00	\$195.00	\$
c. <input type="checkbox"/>	three month	\$890.00	\$445.00	\$
d. <input type="checkbox"/>	four month	\$1,390.00	\$695.00	\$
e. <input type="checkbox"/>	five month	\$1,890.00	\$945.00	\$
f. <input type="checkbox"/>	An extension for ____ months has already been secured for filing the above-identified communication and the fee paid therefor of \$ ____ is deducted from the total fee due for the total months of extension now requested. The fee for this extension (\$ ____), minus the fee previously paid (\$ ____) equals \$ _____ (total fee due).			\$
TOTAL FEES =				\$55.00

- Conditional Petition for Extension of Time:** An extension of time is requested to provide for timely filing if an extension of time is still required after all papers filed with this communication have been considered.
- A check in the amount of \$ _____ to cover the above fees is enclosed.
- Please charge Deposit Account No. 50-1189, Docket No. 23896-7062, in the amount of \$55.00 to cover the above-fees. *A duplicate copy of this sheet is enclosed.*
- The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-1189, Docket No. 23896-7062. *A duplicate copy of this sheet is enclosed.*

DATE: November 7, 2001

Respectfully submitted,

By: 
 Antoinette F. Konski
 Registration No.: 34,202

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